

FILED

DEC 16 2020

CLERK, U.S. DISTRICT CLERK
 WESTERN DISTRICT OF TEXAS
 BY _____
 DEPUTY

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,

§ CRIMINAL NO.: SA-20-CR-00514-OLG

Plaintiff,

§ **First Superseding Indictment**

vs.

§ Ct 1: 18 U.S.C. §922(g)(1)
 Felon in Possession of a Firearm

ROBERT DWAYNE HARRISON,

§ Ct 2: 21 U.S.C. §841(a)(1)/(b)(1)(B)
 Possession with Intent to Distribute a
 Mixture or Substance Containing 28 or
 More Grams of Cocaine Base

Defendant.

§ Ct 3: 21 U.S.C §§ 846/ 841(a)(1)/(b)(1)(B)
 Attempt to Possess with Intent to
 Distribute a Mixture or Substance
 Containing 500g or more of Cocaine

THE GRAND JURY CHARGES:

COUNT ONE
 [18 U.S.C. §922(g)(1)]

On or about October 9, 2020, in the Western District of Texas, Defendant,

ROBERT DWAYNE HARRISON,

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed ammunition and firearms, to wit: a Mossberg International, model 715P, .22 caliber pistol, serial number EMK3995404; a Palmetto State Armory, model PA-15, multi caliber pistol, serial number P1016152; a Smith and Wesson, model M&P, .40 caliber pistol, serial number HRW4608, and a Smith and Wesson, model M&P, .40 caliber pistol, serial number LFK0221, which had been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1).

COUNT TWO
[21 U.S.C. § 841(a)(1)/(b)(1)(B)]

On or about May 27, 2020, in the Western District of Texas, Defendant,

ROBERT DWAYNE HARRISON,

did unlawfully, knowingly, and intentionally possess with intent to distribute a controlled substance, which offense involved 28 grams or more of a mixture or substance containing a detectable amount of cocaine base, a Schedule II Controlled Substance, in violation of Title 21, United States Code Section, 841(a)(1)/841(b)(1)(B).

PENALTY ENHANCEMENT

Before the Defendant, Robert Dwayne Harrison, committed the offense charged in this count, Robert Dwayne Harrison had a final conviction for a serious drug felony in cause number SA-08-CR-012-OLG-(1), namely, Conspiracy to Distribute and Possess with Intent to Distribute Cocaine Base in violation of 21 U.S.C. §§ 846, 841(a)(1)/841(b)(1)(A), and Aiding and Abetting in the Possession with intent to Distribute 50 grams or more of Cocaine Base in violation of 21 U.S.C 841 (a)(1) /841(b)(1)(A) and 18 U.S.C. § 2, for which he served more than 12 months of imprisonment, and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense.

COUNT THREE
[21 U.S.C §§ 846 & 841(a)(1)/(b)(1)(B)]

On or about June 16, 2020, in the Western District of Texas, Defendant,

ROBERT DWAYNE HARRISON,

did unlawfully, knowingly, and intentionally attempt to possess with intent to distribute a controlled substance, which offense involved 500 grams or more of cocaine, its salts, optical and geometric isomers, and salts of isomers, a Schedule II Controlled Substance, in violation of Title

21, United States Code, Sections 846, 841(a)(1)/(b)(1)(B).

PENALTY ENHANCEMENT

Before the Defendant, Robert Dwayne Harrison, committed the offense charged in this count, Robert Dwayne Harrison had a final conviction for a serious drug felony in cause number SA-08-CR-012-OLG-(1), namely, Conspiracy to Distribute and Possess with Intent to Distribute Cocaine Base in violation of 21 U.S.C. §§ 846, 841(a)(1) / 841(b)(1)(A), and Aiding and Abetting in the Possession with intent to Distribute 50 grams or more of Cocaine Base in violation of 21 U.S.C 841 (a)(1) / 841(b)(1)(A) and 18 U.S.C. § 2, for which he served more than 12 months of imprisonment, and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense.

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE

[See Fed. R. Crim. P. 32.2]

I.

Drug Violations and Forfeiture Statutes

[Title 21 U.S.C. §§ 846, 841(a)(1), (b)(1)(B), and (b)(1)(A), subject to forfeiture pursuant to Title 21 U.S.C. § 853(a)(1) and (2)]

As a result of the foregoing criminal violations set forth in Counts Two and Three, the United States of America gives notice to Defendant **ROBERT DWAYNE HARRISON** of its intent to seek the forfeiture of the properties described below upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 21 USC § 853(a)(1) and (2), which state:

Title 21 USC § 853. Criminal forfeitures

(a) Property subject to criminal forfeitures.

Any person convicted of a violation of this subchapter or subchapter II of this chapter punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law –

- (1)** any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;
- (2)** any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; ...

II.

Firearms Violations and Forfeiture Statutes

[Title 18 U.S.C. § 922(g)(1), subject to forfeiture pursuant to Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c)]

As a result of the criminal violation set forth in Count One, the United States of America gives notice to Defendant **ROBERT DWAYNE HARRISON**, of its intent to seek the forfeiture of the properties described below upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461, which states:

Title 18 U.S.C. § 924. Penalties

(d)(l) Any firearm or ammunition involved in or used in any knowing violation of subsection . . . (g) . . . of section 922 . . . shall be subject to seizure and forfeiture . . . under the provisions of this chapter. . .

This Notice of Demand for Forfeiture includes but is not limited to the following properties:

1. Mossberg International, model 715P, .22 caliber pistol, serial number EMK3995404;
2. Palmetto State Armory, model PA-15, multi caliber pistol, serial number P1016152;
3. Smith and Wesson, model M&P, .40 caliber pistol, serial number HRW4608;
4. Smith and Wesson, model M&P, .40 caliber pistol, serial number LFK0221; and
5. Any and all firearms, ammunition, and/or accessories involved in or used in the commission of the criminal offenses.

A TRUE BILL



FOREPERSON OF THE GRAND JURY

GREGG N. SOFER
UNITED STATES ATTORNEY
BY:



KARINA O'DANIEL
Assistant United States Attorney